

## § 107.9

## 49 CFR Ch. I (10–1–96 Edition)

(5) State the legal name and mailing address of the agent; and

(6) Bear a declaration of acceptance duly signed by the designated agent.

(c) *Method of service.* Service of any process, notice, order, decision, or requirement of the Associate Administrator for Hazardous Materials Safety may be made by registered or certified mail addressed to the agent with return receipt requested or in any other manner authorized by law. If service cannot be effected because the agent has died (or, if a firm or a corporation ceases to exist) or moved, or otherwise does not receive correctly addressed mail, service may be made by publication in the FEDERAL REGISTER.

[Amdt. 107-2, 41 FR 7509, Feb. 19, 1976, as amended by Amdt. 107-24, 56 FR 8621, Feb. 28, 1991]

### § 107.9 Public docket room.

There is established in the RSPA offices at 400 7th Street, SW., Washington, DC, a public docket room in which there is available for public inspection and copying:

(a) Copies of notices of proposed rulemaking issued by the RSPA or its predecessor agency, including advance notices, together with the comments received thereon during rulemaking proceedings, copies of any related FEDERAL REGISTER notices, final rules, petitions for reconsideration, and decisions issued in response to petitions for reconsideration;

(b) Applications for exemptions from the Department of Transportation's regulations governing the transportation of hazardous materials, including supporting data, memoranda of any informal meetings with applicants, related FEDERAL REGISTER notices, comments received thereon during the public comment period and copies of decisions issued granting or denying applications for exemptions;

(c) Applications for preemption and waiver of preemption determinations under subpart C of this part, together with the comments received thereon, related documents filed with the RSPA, copies of related FEDERAL REGISTER notices, and rulings, determinations and orders issued in response to those applications;

(d) Records of compliance order proceedings and copies of RSPA compliance orders;

(e) Appeals filed under this part and RSPA decisions issued in response to those appeals; and

(f) Such other information pertaining to the RSPA's hazardous materials program required by statute to be made available for public inspection and copying and any information which the RSPA determines should be made available to the public.

[Amdt. 107-3, 41 FR 38170, Sept. 9, 1976, as amended by Amdt. 107-8, 45 FR 81571, Dec. 11, 1980; Amdt. 107-24, 56 FR 8622, Feb. 28, 1991]

### § 107.11 Service.

(a) Each order, notice, or other document required to be served under this part shall be served personally or by registered or certified mail, except as otherwise provided.

(b) Service upon a person's duly authorized representative constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official United States Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

[Amdt. 107-3, 41 FR 38170, Sept. 9, 1976]

### § 107.13 Subpoenas, witness fees.

(a) The Administrator, RSPA, the Chief Counsel, Research and Special Programs Administration, or the Official designated to preside over a hearing convened in accordance with this part, may sign and issue subpoenas either on his own initiative or, upon an adequate showing that the information sought will materially advance the proceeding, upon the request of any person participating in that proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than 18 years of age, or by certified or registered mail.

(d) Service of a subpoena upon the person named therein shall be made by